

**part 46**

# **FINAL RULE**

## **30 CFR PART 46**

**Training and Retraining of Miners  
Engaged in Shell Dredging or Employed  
at Sand, Gravel, Surface Stone, Surface  
Clay, Colloidal Phosphate, or Surface  
Limestone Mines**

# Comparison Between 48 and 46

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# Effective Date

The rule becomes effective

**October 2, 2000**

# Scope

The rule sets forth the mandatory requirements for the training and retraining of miners and other persons at:

- Shell Dredging
- Sand
- Gravel
- Surface Stone
- Surface Clay
- Colloidal Phosphate, or
- Surface Limestone Operations

# Definitions

## Competent person

A person designated by the production-operator or independent contractor who has the **ability, training, knowledge, or experience** to provide training to miners in his or her area of expertise

The competent person must be able to **effectively communicate** the training subject and **evaluate** whether the training is effective

# Definitions

## Equivalent experience

Work experience where the person performed duties similar to duties performed at surface mining operations

Experience may include, but is not limited to, work as a heavy equipment operator, truck driver, skilled craftsman, or plant operator.

# Definitions

## Experienced miner

1. A person who is employed as a miner on April 14, 1999
2. A person who has at least 12 months of cumulative surface mining or equivalent experience on or before October 2, 2000



# Definitions

## Experienced miner

3. A person who began employment as a miner after April 14, 1999, but before October 2, 2000 and who has received new miner training under § 48.25 or under the proposed requirements or part 46 as published April 14, 1999

# Definitions

## Experienced miner

4. A person employed as a miner on or after October 2, 2000 who has completed 24 hours of new miner training under § 46.5 or § 48.25 and who has at least 12 cumulative months of surface mining or equivalent experience

Once a miner is an experienced miner, the miner will retain that status permanently

# Definitions

## Miner:

Any person, including operator or supervisor, who works at a mine and who is engaged in mining operations. This definition includes independent contractors and employees of independent contractors who are engaged in mining operations

and

Any construction worker who is exposed to hazards of mining operations

# Definitions

## Miner

The definition of "miner" does not include scientific workers; delivery workers; customers (*including commercial over-the-road truck drivers*); vendors; or visitors. This definition also does not include maintenance or service workers who do not work at a mine site for frequent or extended periods

# Definitions

## Mining operations

Means mine development, drilling, blasting, extraction, milling, crushing, screening, or sizing of minerals at a mine; maintenance and repair of mining equipment; and associated haulage of materials within the mine from these activities

# Definitions

## New Miner

Person who is beginning employment as a miner with a production operator or independent contractor and who is not an experienced miner

# Definitions

## Newly hired experienced miner

Means an experienced miner who is beginning employment with a production-operator or independent contractor

Experienced miners who move from one mine to another, such as drillers and blasters, but who remain employed by the same production-operator or independent contractor are not considered newly hired experienced miners (these miners receive site specific hazard awareness training at each mine)

# Training Plans

Requires production-operators and independent contractors to develop and implement a written plan, approved by us, that contains effective programs for:

New miners	§ 46.5
Newly hired experienced miners	§ 46.6
New tasks	§ 46.7
Annual refresher	§ 46.8
Site-specific hazard awareness training	§ 46.11



# Plan Approval

Provides that a training plan is considered approved by us if it contains, at a minimum, the following information:

1. Name of production-operator or independent contractor
2. Mine name(s)
3. MSHA Mine Identification number(s)

# Plan Approval

4. Name and position of person, designated by the production operator or independent contractor, who is responsible for health and safety training at the mine
5. A general description of the teaching methods and the course materials that are to be used in the training program, including the subject areas to be covered and the approximate time to be spent on each subject area

# Plan Approval

6. A list of the persons and/or organizations who will provide the training, and the subject areas in which each person and/or organization is competent to instruct, and
7. The evaluation procedures used to determine the effectiveness of training

**Plans may also be voluntarily submitted to EFS for approval**

# Plan Approval

- The miner's representative, if any, must be provided with a copy of the plan at least 2 weeks before the plan is implemented or submitted for approval
- If no miners' representative has been designated, a copy of the plan must be posted at the mine or a copy provided to each miner at least 2 weeks before the plan is implemented or submitted for approval

# Plan Approval

- If a training plan is submitted for traditional approval, the Regional Manager must notify the appropriate party(s), in writing of the approval, or status of the approval, within 30 days
- The operator/contractor must provide the miners' representative with a copy of the approved plan within one week after approval; or, if no miners representative has been designated, a copy of the plan must be posted at the mine or a copy provided to each miner

# Plan Approval

- Appeal the Regional Managers decision on a training plan
- Training plan must be made available at the mine for inspection by us and for examination by miners and miners' representatives
- If the training plan is not maintained at the mine, it must be made available within one business day upon request

# Plan Approval

- The plan approval procedures under this section must also be complied with whenever the plan undergoes revisions

# Training Plan Implementation

Each program, course of instruction, or training session must be:

- Conducted in accordance with a written training plan
- Presented by a competent person
- Presented in a language understood by the miners who are receiving the training



# Training Plan Implementation

Applicable, health and safety training required by the Occupational Safety and Health Administration (OSHA), or other federal or state agencies may be substituted to meet requirements under this part

This training must be relevant to training subjects required in this part. Training must be documented in accordance with § 46.9 (Records of Training) of this part

# Training Plan Implementation

Training methods may consist of classroom instruction, instruction at the mine, interactive computer-based instruction or other innovative training methods, alternative training technologies, or any combination

Operators/contractors may conduct their own training or may arrange for the training to be conducted by other sources

# Training Plan Implementation

Employee health and safety meetings, including informal health and safety talks and instruction, may be credited toward the training program requirements

Provided that each training session is documented

In recording the duration of training, only the portion of the session actually spent in training can be included

# New Miner Training

Each new miner must be provided with no less than 24 hours new miner training within 90 days of employment

Miners who have not received the full 24 hours of training must work where an experienced miner can observe that the new miner is performing his/her work in a safe and healthful manner

# New Miner Training

Before a new miner begins work at the mine the miner must be provided with no less than 4 hours of training in the following subjects which must address site-specific hazards:

(1) An introduction to the work environment, including a visit and tour of the mine, or portions of the mine that are representative of the entire mine (walkaround training). The method of mining or operation utilized must be explained and observed

# New Miner Training

- (2) Instruction on the recognition and avoidance of electrical hazards and other hazards present at the mine, such as traffic patterns and control, mobile equipment (e.g., haul trucks and front-end loaders), and loose or unstable ground conditions
- (3) A review of the emergency medical procedures, escape and emergency evacuation plans, in effect at the mine, and instruction on the firewarning signals and firefighting procedures
- (4) Instruction on the health and safety aspects of the tasks to be assigned, including the safe work procedures of such tasks, and the mandatory health and safety standards pertinent to such tasks

# New Miner Training

- (5) Instruction on the statutory rights of miners and their representatives under the Act
- (6) A review and description of the line of authority of supervisors and miners' representatives and the responsibilities of such supervisors and miners' representatives
- (7) An introduction to the rules and procedures for reporting hazards at the mine

# New Miner Training

No later than 60 days after a new miner begins work at the mine the miner must be provided training in the following subjects:

(1) Instruction and demonstration on the use, care, and maintenance of self-rescue and respiratory devices

(2) A review of first aid methods



# New Miner Training

No later than 90 days after a new miner begins work at the mine

The miner must be provided with the balance, if any, of the 24 hours of training on any other subjects that promote occupational safety and health for miners at the mine

# New Miner Training

Practice under the close observation of a competent person may be used to fulfill the requirement for training on the health and safety aspects of an assigned task

A miner with less than 12 months of experience can count a portion of new miner training taken in the last 36 months as part 46 new miner training (provide the initial 4 hours of training)

# Newly Hired Experienced Miner Training

Before a miner begins work at a mine, training in the following subjects including site-specific hazards must be provided:

- (1) Introduction to work environment
- (2) Recognition and avoidance of electrical hazards and other hazards
- (3) Emergency medical procedures, escapeway and emergency evacuation plans, firewarning signals and firefighting procedures
- (4) Health and safety aspects of the tasks to be assigned
- (5) Statutory rights of miners and miners' representatives
- (6) Line of authority of supervisors and miners' representatives
- (7) Rules and procedures for reporting hazards

# Newly Hired Experienced Miner Training

No later than 60 days after a newly hired experienced miner begins work at the mine training must be provided in the following subject:

Instruction and demonstration on the use, care, and maintenance of self-rescue and respiratory devices

# Newly Hired Experienced

Practice under the close observation of a competent person may be used to fulfill the requirement for training on health and safety aspects of an assigned task, if task-specific hazard recognition training is given before the miner begins work

Training on any other subjects that promote occupational safety and health for miners may also be provided

# Newly Hired Experienced

A newly hired experienced miner who returns to the same mine following an absence of 12 months or less must be provided with:

Training on any changes at the mine that occurred during the miner's absence that could adversely affect the miner's health or safety before the miner begins work at the mine

Training on any parts of annual refresher training the miner may have missed during the absence no later than 90 days after miner begins work at the mine

# New Task Training

New Task Training requires providing any miner who is reassigned to a new task in which he/she has no previous work experience with training in the safety and health aspects and safe work procedures specific to the new task

Must be provided before the miner performs the new task

Practice under close observation of a competent person may be used to fulfill this requirement

# New Task Training

Task training is also required if a change occurs in a miner's assigned task that affects the health and safety risks encountered by the miner

Task training is not required for miners who:

- Have received training in a similar task,
- Who have previous work experience in the task,
- Who can demonstrate the necessary skills to perform the task in a safe and healthful manner



# Annual Refresher Training

Each miner must receive no less than 8 hours of refresher training

1. Persons working before March 30, 2000 must complete their initial refresher training no later than March 30, 2001 (up to 18 months)
2. Persons hired after March 30, 2000 must receive their training no later than 12 months after they are hired
3. Miners employed after October 2, 2000 must complete annual refresher training every 12 months

# Annual Refresher Training

Annual refresher training must include:

Instruction on changes at the mine that could adversely affect the miner's health or safety

Refresher training must also address other safety and health subjects that are relevant to mining operations at the mine

No minimum amount of time per session of training

# Annual Refresher Training

## Recommended subjects include:

- Applicable health and safety requirements including mandatory health and safety standards
- Transportation controls and communication systems
- Escape and emergency evacuation plans
- Firewarning and firefighting
- Ground conditions and control
- Traffic patterns and control
- Working in areas of highwalls
- Water hazards, pits, and spoil banks
- Illumination and night work
- First aid
- Electrical hazards
- Prevention of accidents
- Health
- Explosives
- Respiratory devices

# Annual Refresher Training

Training is also recommended on the hazards associated with with the equipment that has accounted for the most fatalities and serious injuries at the affected mines, including:

- Mobile equipment (haulage and service trucks front-end loaders and tractors)
- Conveyor Systems
- Cranes
- Crushers
- Excavators
- Dredges
- Maintenance and repair
- Material handling
- Fall prevention and protection
- Working around moving objects (machine guarding)

# Records of Training

Must record and certify that the miner has received training under part 46 on:

(1) 5000-23

or

(2) A form containing information as outlined in the regulation

# Records of Training

**Form must include:**

- ◆ Printed full name of person trained
- ◆ Type of training
- ◆ Duration of training
- ◆ Date training received
- ◆ Name of competent person who provided training
- ◆ Mine or independent contractor name
- ◆ MSHA mine identification number
- ◆ Location of training
- ◆ False certification statement
- ◆ Certification by person (designated as responsible for H/S in plan) that training was completed

# Records of Training

A **record** must be made of training

(1) For new miner training, no later than:

When the miner begins work at the mine

60 days after the miner begins work at the mine

90 days after the miner begins work at the mine, if applicable

(2) For newly hired experienced miner training, no later than:

When the miner begins work at the mine

60 days after the miner begins work at the mine

# Records of Training

- (3) Upon completion of new task training
- (4) After each session of annual refresher training
- (5) Upon completion by miners of site-specific hazard awareness training



# Records of Training

Records of training must be **certified** and a copy provided to miners

- (1) Upon completion of new miner and newly hired experienced miner training
- (2) At least once every 12 months for new task training, or upon request by the miner
- (3) Upon completion of the 8 hours of refresher training
- (4) Upon completion by the miner of site-specific hazard awareness training

# Records of Training

- False certification that training was completed is punishable under 110(a) and (f) of the Act
- When a miner's employment ceases, he or she must be provided with a copy of their training records and certificates upon request

# Records of Training

- Copies of each miner's training records and certificates must be made available at the mine for inspection by MSHA and for examination by miners and their representatives
- If certificates are not maintained at the mine, the operator/contractor must be able to provide certificates upon request

# Records of Training

Training certificates and records must be maintained for each currently employed miner during his/her employment

Records and certificates for annual refresher training must be maintained for 2 years

Copies of training certificates and records must be maintained for at least 60 days after a miner terminates employment

# Records of Training

- Records of training are not required for site-specific hazard awareness training provided to persons who are not miners
- The operator or contractor must be able to provide evidence that the training was provided

# Compensation for Training

- Training must be conducted during normal working hours
- Persons must be paid at a rate of pay that corresponds to the rate of pay they would have received had they been performing normal work tasks
- If training is a location other than the normal place of work, persons must be compensated for additional costs, including mileage, meals, and lodging

# Site-specific Hazard Awareness Training

This training is for any person who is not a miner and is present at a mine site, including:

- (1) Office or staff personnel
- (2) Scientific workers
- (3) Delivery workers
- (4) Customers, including commercial over-the-road truck drivers

# Site-specific Hazard Awareness Training

- (5) Construction workers or employees of independent contractors who are not miners
- (6) Maintenance or service workers who do not work at the mine site for frequent or extended periods
- (7) Vendors or visitors
- (8) Miners such as drillers/blasters, who move from mine to mine while remaining employed by the same production-operator or independent contractor



# Site-specific Hazard Awareness Training

Information or instructions on the hazards a person could be exposed to while at the mine, as well as applicable emergency procedures. The training must address:

- Site-specific health and safety risks
- Recognition and avoidance of hazards
- Traffic patterns and control
- Restricted areas
- Warning and evacuation signals
- Evacuation and emergency procedures
- Other special safety procedures

# Site-specific Hazard Awareness Training

- Training may be provided through the use of written hazard warnings, oral instruction, signs and posted warnings, walkaround training, or other appropriate means that alert miners to site-specific hazards at the mine
- Not required for any person who is accompanied at all times by an experienced miner who is familiar with hazards specific to the mine site

# Responsibility for Independent Contractor Training

- Production-operator has primary responsibility for ensuring that site-specific hazard awareness training is given to employees of independent contractors who are required to receive such training
- Production-operator must provide information to contractor who employs a person at the mine on site-specific mine hazards and the obligation of the contractor to comply with the regulations

# Responsibility for Independent Contractor Training

Each independent contractor who employs a miner at the mine, has primary responsibility for complying with § 46.3 through § 46.10 of this part, including providing:

- ➡ New miner training
- ➡ Newly hired experienced miner training
- ➡ New task training
- ➡ Annual refresher training

# **Responsibility for Independent Contractor Training**

The independent contractor must inform the production-operator of any hazards of which the contractor is aware that may be created by the performance of the contractor's work at the mine

